

ENTERED

July 25, 2023

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:

EX PARTE APPLICATION OF §
BANCO MERCANTIL DE §
NORTE, S.A., INSTITUCIÓN DE §
BANCA MÚLTIPLE, GRUPO §
FINANCIERO BANORTE; and §
ARRENDADORA Y FACTOR §
BANORTE, S.A. DE C.V., SOCIEDAD §
FINANCIERA DE OBJETO MÚLTIPLE, §
GRUPO FINANCIERO BANORTE, §
Applicants, §
FOR ORDER PURSUANT TO §
28 U.S.C. § 1782 TO OBTAIN §
DISCOVERY IN AID OF §
FOREIGN PROCEEDINGS §

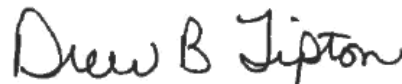
MISCELLANEOUS Action
No.: 4:23-MC-1188

ORDER

This matter came before the Court on the *Ex Parte* Application of Banco Mercantil del Norte, S.A., Institución de Banca Múltiple, Grupo Financiero Banorte, and Arrendadora y Factor Banorte, S.A. de C.V., Sociedad Financiera de Objeto Múltiple, Grupo Financiero Banorte (the “Applicants”) for an Order Pursuant to 28 U.S.C. § 1782 to Obtain Discovery for Use in Foreign Proceedings (the “Application”), in aid of actions pending in Mexico. The Applicants seek to issue subpoenas for documents to Juan José Páramo Riestra, Mauricio Simbeck, and Charles Crawford Foster (collectively, the “Respondents”). All of the Respondents are individuals believed to reside in this District. In addition to the Application, the Court has considered the supporting declarations and exhibits attached thereto.

This Court is authorized by 28 U.S.C. § 1782 to order a person to give testimony or produce documents for use in a foreign or international tribunal if: (1) the person from whom discovery is sought resides or is found in the district of the district court to which application is made; (2) the discovery is for use in a proceeding before a foreign or international tribunal; and (3) the application is made by a foreign or international tribunal or an interested person. In determining whether to order such discovery the Court considers the following factors: (1) whether the person from whom discovery is sought is a participant in the foreign or international proceeding; (2) the receptivity of the international tribunal to receiving such evidence; (3) whether the application is an attempt to circumvent proof gathering restrictions; and (4) whether the requested discovery is unduly intrusive or burdensome. *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241, 264-65 (2004).

This Court has determined that the foregoing factors have been satisfied for issuance of the Order requested. Accordingly, it is hereby Ordered that the Subpoenas on Juan José Páramo Riestra, Mauricio Simbeck, and Charles Crawford Foster may be issued and served.



Drew B. Tipton
United States District Judge

Dated: July 25, 2023